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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/574,968	09/20/2006	Vincent George McCarthy	1000035-000071	5903
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EXAMINER SWINEHART, EDWIN L.				
ART UNIT 3617		PAPER NUMBER		
NOTIFICATION DATE 02/02/2010		DELIVERY MODE ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ADIPFDD@bipc.com  
offserv@bipc.com

**Office Action Summary****Application No.**

10/574,968

**Applicant(s)**

MCCARTHY ET AL.

**Examiner**

Ed Swinehart

**Art Unit**

3617

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 January 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 2, 4-14, 16-25, 27-30, 32-40, 43, 55, 58-60 and 63-68 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4-14, 16-25, 27-30, 32-40, 43, 55, 58-60 and 63-68 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-940)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1/20/2010 has been entered.

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1,2,4-14,16-25,27-30,32-40,43,55,58-60 and 63-68 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claims 1,28,55,58,59,65 and 67 are directed towards a connection of the tops of the suspending means which are directly coupled together, or structurally separate from the vessel. Such a suspending means and its operation is unclear. Applicant in his arguments states such a connection being separate from the vessel is important so that the suspending means does not apply a moment to the hull, only vertical loading. This implies that there is no physical connection of the suspending means with the hull. Such

would be fine assuming that the loading applied by the stabilizers on opposing sides of the vessel is always exactly the same, however, in the application of the invention this will not be the case. The examiner therefore does not understand how the stabilizers can be maintained in the positions as illustrated. What keeps one stabilizer exerting a greater force from submerging and pulling the opposite stabilizer upwardly into the hull?

Claim 55 as amended, finds insufficient support in the disclosure as originally filed. Claim 55 recites the varying of ballast responsive to changes in wave characteristics; however the specification fails to adequately set forth how such a variance is made responsive to changes in wave characteristics.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 5 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 5 improperly limits the claim from which it depends. Specifically, claim 5 is directed to a specie other than the specie of claim 1. Claim 1 recites the suspending means of the first and second stabilizer assemblies connected together (Fig. 3) while claim 5 recites a staggered configuration (Fig. 4). Claim 5 cannot be further treated on the merits.

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1,4,7,8,9-14,16,19-25,28-30,32,35-40,43,55,58-60,63 and 64 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pollack (6,655,312) in view of Stimson (3,263,641).

Pollack shows an "apparatus for reducing vessel motion" including a plurality of submergible bodies, each having suspending means (anchor lines). Certain of the suspending means are connected together at the top through a structurally distinct element (pulling devices). Pollack fails to disclose that the anchors include ballast tanks, as it old and well known in the art as evidenced by Stimson.

It would have been obvious to one of ordinary skill in the art at the time of the invention to employ anchors such as that that by Stimson in the active anchoring system of Pollack.

Such a combination would have been desirable so as to render the anchors easier to handle.

Re the claimed size and shape of the bodies, such would have been well within the level of skill of the ordinary routineer working in the art at the time of the invention, providing results exactly as would have been expected.

Re "saddles", such fail to define over the width increasing fairleads of Pollack.

Re "chain", such is a recognized equivalent to rope and cable in the marine environment, and use of same in Pollack would have been well within the level of skill of the ordinary routineer working in the art at the time of the invention, providing results exactly as would have been expected.

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Havre (4,321,720) shows weights **16** and lines **17** connected together as claimed.

9. Applicant's arguments filed 1/20/2010 have been fully considered but they are deemed moot in view of the new Grounds of rejection.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ed Swinehart whose telephone number is 571-272-6688. The examiner can normally be reached on Monday through Thursday 6:30 am to 2:00 pm..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Samuel Morano can be reached on 571-272-6684. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/Ed Swinehart/  
Primary Examiner  
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